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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,573	08/06/2001	Han Chung Tseng		7060

7590  
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09/16/2003

EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 09/16/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/921,573

Applicant(s)

TSENG, HAN CHUNG

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: In Figure 11, item "85". In Figure 13, items "5" and "85". A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ping (6,446,340) in view of Chun. '340 discloses the invention including a knife (1) with spare blades (B) comprising a main body (2) in which a blade seat (58) is reciprocally slidably moved (Fig. 5), a receptacle defined in the main body (30) and corresponding to the blade seat for receiving multiple spare blades (Fig. 6), that each blade has more than one engaging notch (N), a locating section inwardly extending from a periphery of the receptacle (36) and corresponding to the engaging notch of the blade (Fig. 2), an engaging block laterally mounted to the blade seat (59) and engaged to the engaging notch of the blade (Fig. 22), that the blade seat slides and the blade is driven

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to extend out of an exit at a front end of the main body (Fig. 17-Fig. 18), a press button laterally mounted to the main body for pushing the engaging block to disengage from the engaging notch of the blade, whereby the blade can be drawn out and replace (41), a spring being positioned between the engaging block and the blade seat for pushing the engaging block to insert into the engaging notch of the blade (22), that the main body has a guide rail corresponding to the engaging block (Fig. 1), that the engaging block is pushed out by the spring and inserted into the engaging notches of the blade deeper and deeper and in returning travel the depth is gradually reduced (Figs. 17 and 18), that the front section of the guide rail is a slope section (Fig. 19), that the blade seat is formed with a cavity with a depth is shorter than the thickness of the blade (Fig. 1), that the blade seat has a slot rearward extending from the blade cavity (Fig. 19), that the receptacle had a projecting block corresponding to the slot that serves to stop the blade from sliding backwards along with the blade seat (Fig. 6), that one side of the receptacle has an opening passing through the main body opposite the blade seat (Fig. 1), a cover being pivotally disposed at the opening for covering the opening (33), that the cover has an inward projecting resilient member (42), a push member (72) partially inserted into the blade seat for reciprocally driving the blade seat (Fig. 1), a slot defined in a top portion of the main body and extending through the main body (11), that the push member includes a top end extending through the main body via the slot (Fig. 4), a push button formed on the top end of the push member for the user to reciprocally drive the blade seat in the main body (71), that the slot includes two opposite sides each having a bottom edge formed with multiple engaging recesses (17-37), that the push

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bottom includes two opposite sides each having projections corresponding to each other (53), and that each projection is received in a corresponding engaging recess (Column 5 lines 15-25) but fails to disclose a spring mounted between the blade seat and the push button. Chun teaches a spring mounted between the blade seat and the push button (34). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided '340 with a spring mounted between the blade seat and the push button, as taught by Chun, to prevent unwanted sliding of the blade towards the exit.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over '340 in view of Chun as applied to claim 1 above, and further in view of Quenot. '340 and Chun disclose the invention but fail to disclose that a handle is pivotally connected with the main body, that the handle is formed with a chamber for receiving spare blades, that the handle has a hook section and the main body has a locking member that the hook section locks to. Quenot teaches a handle (12) that is pivotally connected with the main body (13), that the handle is formed with a chamber for receiving spare blades (Fig. 1), that the handle has a hook section (10) and the main body has a locking member (11) that the hook section locks to (Fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided '340 in view of Chun with a pivot handle for storing extra blades, as taught by Quenot, to allow for added storage for the tool to hold additional blade.

***Response to Arguments***

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5. Applicant's arguments with respect to claim ~~1~~ have been considered but are moot in view of the new ground(s) of rejection. Also, Ping ('340) may not disclose the one-piece push member as shown in applicant's Figure 2 but Ping ('340) clearly discloses the push member as claimed.

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



JP  
September 12, 2003



Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700